IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-630

PAUL HALL, individually and as President or AL KERR, as Secretary-Treasurer, or EARL SHEPARD, as Vice President, or CAL TANNER, as Executive Vice President of the Seafarers International Union of North America-Atlantic, Gulf, Lakes and Inland Waters District,

Petitioners,

v.

JOHN COLE,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

INDEX

	PAGE
Chronological List of Relevant Docket Entries	1
Excerpt from District Court Opinion on Plaintiff's Motion Objecting to Interrogatories Propounded by Defendants—Filed February 2, 1967	2
Findings of Fact and Conclusions of Law of District Court—Filed May 21, 1971	2

PAGE

Decision and Order of District Court Filed May 21, 1971 3

Supplemental Decision and Order of District Court Filed August 6, 1971 3

Amended Findings of Fact of District Court Filed September 13, 1971 3

Judgment of District Court Filed November 10, 1971 4

Opinion and Order of Court of Appeals Filed June 22, 1972 5

Order of Court of Appeals Denying Petition for Rehearing Filed July 24, 1972 5

Chronological List of Relevant Docket Entries

May 27, 1964—Plaintiff's Amended Complaint.

June 30, 1965—Defendants Amended Answer.

February 2, 1967—Excerpt from District Court Opinion on Plaintiff's Motion Objecting to Interrogatories Propounded by Defendants.

May 21, 1971—Findings of Fact and Conclusions of Law of District Court.

May 21, 1971—Decision and Order of District Court.

August 6, 1971—Supplemental Decision and Order of District Court.

September 13, 1971—Amended Findings of Fact of District Court.

November 10, 1971—Judgment of District Court.

December 3, 1971—Defendants Notice of Appeal.

June 22, 1972—Opinion and Order of Court of Appeals.

July 24, 1972—Order of Court of Appeals Denying Petition for Rehearing.

Excerpt from District Court Opinion on Plaintiff's Motion Objecting to Interrogatories

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

JOHN J. COLE,

Plaintiff,

against

PAUL HALL, individually and as President or AL KERR, as Secretary-Treasurer, or EARL SHEPARD, as Vice-President, or CAL TANNER, as Executive Vice-President of the SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA-ATLANTIC, GULF, LAKES AND INLAND WATERS DISTRICT,

Defendants.

"The plaintiff, it was established without dispute at the hearing, is an ordinary seaman with the modest wage of his calling and is represented by counsel assigned by the Civil Liberties Union. Though the services of counsel are rendered gratis, plaintiff has paid at least part of the disbursements."

Findings of Fact and Conclusions of Law of District Court

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

Contained in Appendix attached to Petition for Certiorari as Appendix E pages 23a through 39a.

Decision and Order of District Court

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

Contained in Appendix attached to Petition for Certiorari as Appendix C, pages 10a through 21a.

Supplemental Decision and Order of District Court

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

Contained in Appendix attached to Petition for Certiorari as Appendix D, page 22a.

Amended Findings of Fact of District Court

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

Contained in Appendix attached to Petition for Certiorari as Appendix F, pages 40a through 42a.

Judgment of District Court

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

[SAME TITLE]

The above matter having come on for trial before the Honorable Jacob Mishler, United States District Judge, and the issues having been duly tried and the court having rendered a decision and having made findings of fact and conclusions of law filed in the office of the Clerk on May 21, 1971, and the court having filed a supplemental memorandum of decision and order made and filed on August 6, 1971 and amended the aforesaid findings of fact by order made and filed September 13, 1971, it is

ORDERED, ADJUDGED AND DECREED that plaintiff be reinstated to membership and restored to all the financial benefits accruing to members of the defendant labor organization; and it is further

ORDERED, ADJUDGED AND DECREED that the plaintiff recover from the defendant Seafarers International Union of North America, Atlantic, Gulf, Lakes and Inland Waters District, the sum of $5,500, as and for counsel fees, costs and disbursements (as agreed between the parties, preserving the defendants' right to challenge the award) and the said defendants is directed to pay the said sum of $5,500 to plaintiff's counsel, Burton H. Hall; and it is further

ORDERED, ADJUDGED AND DECREED that the complaint be and the same hereby is dismissed as to defendants Paul Hall, Al Kerr, Earl Shepard and Cal Tanner.

Dated: Brooklyn, New York
November 10, 1971

JACOB MISHLER
U. S. D. J.

Opinion and Order Court of Appeals

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

Docket No. 72-1003

JOHN J. COLE,

Plaintiff-Appellee,

against

PAUL HALL, individually and as President or AL KERR, as Secretary-Treasurer, or EARL SHEPARD, as Vice-President, or CAL TANNER, as Executive Vice-President of the SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA-ATLANTIC, GULF, LAKES AND INLAND WATERS DISTRICT,

Defendants-Appellants.

Contained in Appendix attached to Petition for Certiorari as Appendix B, pages 2a through 9a.

Order of Court of Appeals denying Petition for Rehearing

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

[SAME TITLE]

Contained in Appendix attached to Petition for Certiorari as Appendix G, page 43a.